

PTO/SB/28 (09-04)

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**TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

 Docket Number (Optional)
 ST9-89-084

In re Application of: Catherine Christensen et al.

Application No.: 09/387,706

Filed: 9/01/1999

For: Color and Symbol Coded Visual Cues for Relating Screen Items to Each Other

**RECEIVED
CENTRAL FAX CENTER**
JUN 13 2005

The owner¹, International Business Machines Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,184,881 B1 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

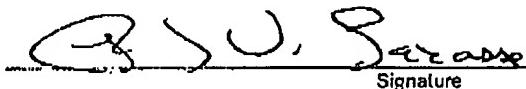
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 34368



Signature

6/8/05

Date

Randy W. Lacasse

Typed or printed name

703-838-7683

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

¹Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/86 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$ 130.00

Complete if Known

Application Number	09/387,796
Filing Date	9/1/1999
First Named Inventor	Christensen et al.
Examiner Name	Stoven P. Sax
Art Unit	2174
Attorney Docket No.	ST9-99-084

METHOD OF PAYMENT

 Check Credit Card Money Order Other
 Deposit Account

Deposit Account Number

Deposit Account Name

The Director is authorized to: (check all that apply)

-
- Charge fee(s) indicated below
-
- Credit any overpayments
-
-
- Charge any additional fee(s) or any underpayment of fee(s)
-
-
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee Code	Fee Code
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,020
1004	920*	1804	920*
1805	1,840*	1805	1,840*
1251	110	2251	55
1252	430	2252	215
1253	980	2253	490
1254	1,530	2254	705
1255	2,080	2255	1,040
1401	340	1401	170
1402	340	2402	170
1403	300	2403	150
1451	1,510	1452	1,510
1452	110	2452	55
1453	1,330	2453	665
1501	1,370	2501	665
1502	430	2502	215
1503	680	2503	330
1460	130	1460	130
1807	50	1807	50
1806	180	1806	180
1814	130	2014	65
1809	700	2809	305
1810	700	2810	395
1801	780	2801	395
1802	900	1802	900
Other fee (specify): _____		SUBTOTAL (3):	\$130

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee Code	Fee Code
1101	700	2001	205
1102	350	2002	175
1103	550	2003	275
1004	790	2004	305
1005	160	2006	80
SUBTOTAL (1):		\$ 0	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =		
Independent Claims	-3*** =	X	=
Multiple Dependent			

Large Entity	Small Entity	Fee Description	
Fee Code	Fee Code	Fee Code	
1202	18	2202	9
1201	88	2201	44
1213	300	2203	150
1204	88	2204	44
1205	18	2205	0
SUBTOTAL (2):		\$ 0	

*or number previously paid, if greater. For Reissues, see above

Reduced by Basic Filing Fee Paid

SUBTOTAL (3):

\$130

Name (Print/Typo)	Randy W. Lacasse	Registration No. (Attorney/Agent)	34,368	Telephone	703-838-7683
Signature				Date	6/13/2005

COPY

FEE TRANSMITTAL for FY 2005

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METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																							
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number <input type="text" value="09-0460"/> Deposit Account Name <input type="text" value="IBM Corporation"/> The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>Fee Code</td><td>Fee Code</td><td>Fee (\$)</td><td>Fee (\$)</td></tr> <tr><td>1051</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or cash</td></tr> <tr><td>1052</td><td>2052</td><td>25</td><td>Surcharge - into provisional filing fee or cover sheet</td></tr> <tr><td>1053</td><td>1053</td><td>130</td><td>Non-English specification</td></tr> <tr><td>1812</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td></tr> <tr><td>1804</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>1005</td><td>1005</td><td>1,040*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>1251</td><td>2251</td><td>110</td><td>Extension for reply within first month</td></tr> <tr><td>1252</td><td>2252</td><td>430</td><td>Extension for reply within second month</td></tr> <tr><td>1253</td><td>2253</td><td>980</td><td>Extension for reply within third month</td></tr> <tr><td>1254</td><td>2254</td><td>1,530</td><td>Extension for reply within fourth month</td></tr> <tr><td>1255</td><td>2255</td><td>2,080</td><td>Extension for reply within fifth month</td></tr> <tr><td>1401</td><td>1401</td><td>340</td><td>Notice of Appeal</td></tr> <tr><td>1402</td><td>2402</td><td>340</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>1403</td><td>2403</td><td>300</td><td>Request for oral hearing</td></tr> <tr><td>1451</td><td>1452</td><td>1,510</td><td>Petition to institute a public use proceeding</td></tr> <tr><td>1452</td><td>2452</td><td>110</td><td>Petition to revive - unavoidable</td></tr> <tr><td>1453</td><td>2453</td><td>1,230</td><td>Petition to revive - unintentional</td></tr> <tr><td>1501</td><td>2501</td><td>1,370</td><td>Utility issue fee (or reissue)</td></tr> <tr><td>1502</td><td>2502</td><td>400</td><td>Design issue fee</td></tr> <tr><td>1603</td><td>2603</td><td>660</td><td>Plant issue fee</td></tr> <tr><td>1480</td><td>1480</td><td>130</td><td>Petitions to the Commissioner</td></tr> <tr><td>1007</td><td>1007</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td></tr> <tr><td>1000</td><td>1008</td><td>180</td><td>Submission of Information Disclosure Stmt</td></tr> <tr><td>1814</td><td>2814</td><td>130</td><td>Statutory disclaimer</td></tr> <tr><td>1809</td><td>2809</td><td>790</td><td>Filing a submission after final rejection (37 CFR 1.129(e))</td></tr> <tr><td>1810</td><td>2010</td><td>790</td><td>For each additional invention to be examined (37 CFR 1.129(g))</td></tr> <tr><td>1801</td><td>2801</td><td>790</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>1002</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr> <tr><td colspan="4">Other fee (specify): _____</td></tr> <tr> <td colspan="4">* or number previously paid, if greater; for Reissues, enter above</td> <td colspan="2">Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3) \$130</td> </tr> </tbody> </table>				Large Entity	Small Entity	Fee Description	Fee Paid	Fee Code	Fee Code	Fee (\$)	Fee (\$)	1051	2051	65	Surcharge - late filing fee or cash	1052	2052	25	Surcharge - into provisional filing fee or cover sheet	1053	1053	130	Non-English specification	1812	1812	2,520	For filing a request for ex parte reexamination	1804	1804	920*	Requesting publication of SIR prior to Examiner action	1005	1005	1,040*	Requesting publication of SIR after Examiner action	1251	2251	110	Extension for reply within first month	1252	2252	430	Extension for reply within second month	1253	2253	980	Extension for reply within third month	1254	2254	1,530	Extension for reply within fourth month	1255	2255	2,080	Extension for reply within fifth month	1401	1401	340	Notice of Appeal	1402	2402	340	Filing a brief in support of an appeal	1403	2403	300	Request for oral hearing	1451	1452	1,510	Petition to institute a public use proceeding	1452	2452	110	Petition to revive - unavoidable	1453	2453	1,230	Petition to revive - unintentional	1501	2501	1,370	Utility issue fee (or reissue)	1502	2502	400	Design issue fee	1603	2603	660	Plant issue fee	1480	1480	130	Petitions to the Commissioner	1007	1007	50	Processing fee under 37 CFR 1.17(q)	1000	1008	180	Submission of Information Disclosure Stmt	1814	2814	130	Statutory disclaimer	1809	2809	790	Filing a submission after final rejection (37 CFR 1.129(e))	1810	2010	790	For each additional invention to be examined (37 CFR 1.129(g))	1801	2801	790	Request for Continued Examination (RCE)	1002	1802	900	Request for expedited examination of a design application	Other fee (specify): _____				* or number previously paid, if greater; for Reissues, enter above				Reduced by Basic Filing Fee Paid		SUBTOTAL (3) \$130	
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Name (Print/Type)	Randy W. Lacasse	Registration No. (Attorney/Agent)	34,368	Telephone	703-838-7883
Signature				Date	6/13/2005